

Information on Zoning Article Protest Petitions:

Of the 7 articles covered by protest petitions 2 of them did not get 50% of the vote, and so failed: 41 and 51.

Of the other 5 articles covered by protest petitions (40, 43, 49, 50, 52) none of them received the required 2/3 in order to pass if the protest petitions are valid.

This means we need to follow the process set out in RSA 675: 5:

“675:5 Zoning Ordinance Protest Petition. –

I. Zoning regulations, restrictions and boundaries may from time to time be amended or repealed.

I-a. A favorable vote of 2/3 of all the members of the legislative body present and voting shall be required to act upon any amendment or repeal in the case of a protest against such zoning change signed by either:

(a) The owners of 20 percent of the area of the lots included in such proposed change; or

(b) The owners of 20 percent of the area within 100 feet immediately adjacent to the area affected by the change or across a street from such area.

I-b. Paragraph I-a shall apply only to amendments which alter the boundary locations separating previously defined zoning districts, or to amendments which alter the regulations or restrictions of an area not larger than 1/3 of the land area within the municipality.

I-c. The area of streets, commons, or land owned by a governmental entity shall not be included in any calculation under this section.

II. In order to have any protest considered pursuant to paragraph I-a:

(a) The owners signing the petition shall identify themselves on the petition by name and address, and by address of the property involved, or by lot and map number, or by whatever other means is used within the town or village district to identify the land in question, so that the selectmen or commissioners may identify such owners as interested and affected parties; and

(b) The signed protest petition shall be submitted to the selectmen or village district commissioners at least 7 days prior to the town or village district meeting; provided, however, that each protest petition shall apply to only one article on the warrant. A notice of receipt of the protest petition shall be posted at the polling place, and the moderator shall announce at the opening of the town meeting that a protest petition has been received.”

I contacted Jay Minkarah, Executive Director of the Nashua Regional Planning Commission, and they are going to review the petitions to see if they meet the criteria set out in the law. We already have a contract with them for GIS work and this falls under that category. I do not know yet how quickly they will be able to complete the work; we all understand that people want to know. I will do updates as I get more information.

Dean Shankle
Amherst Town Administrator